

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NORTH READING SCHOOL COMMITTEE,
Plaintiff

Civ. No. 05-11162 RCL

v.

BUREAU OF SPECIAL EDUCATION APPEALS
OF THE MASSACHUSETTS DEPARTMENT
OF EDUCATION, MASSACHUSETTS
DEPARTMENT OF EDUCATION, AND
TIMOTHY GRAFTON AND COURTNEY
GRAFTON, AS PARENTS AND NEXT FRIEND
OF M.G.,

Defendants.

**STATE DEFENDANTS' MOTION (ASSENTED TO) TO ENLARGE TIME TO
RESPOND TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 7(b) and Local Rule 7.1, the state defendants, Bureau of Special Education Appeals of the Massachusetts Department of Education and Massachusetts Department of Education (collectively referred to as the "Department") respectfully move to enlarge their time to respond to plaintiff's motion for summary judgment and supporting memorandum of law and concise statement on material facts for a period of 30 days, up to and including May 22, 2006. The grounds for this motion are set forth below.

On April 7, 2006, the plaintiff filed its motion for summary judgment, together with a 22 page memorandum of law and 17 page concise statement of materials facts. In the Joint Statement of Counsel, filed on or about November 3, 2005, the parties proposed that oppositions to such motions would to be filed 30 days after service. Following a Scheduling Conference on November 9, 2005, the Court issued a notice to plaintiff to file a motion to reverse the administrative decision of the Department 60 days from the Court's ruling on the motion to

dismiss co-defendant's counterclaim. However, if the counterclaims survived, the Court was to set a further scheduling conference, at which time a Scheduling Order for the remainder of the case was to be decided. Since plaintiff's motion for summary judgment was filed in advance of the further scheduling conference, the Court has not yet established a deadline for filing oppositions to such motions.

Further, the requested enlargement of time is reasonable (rather than the 14 days contemplated by Local Rule 7.1(B)(2)), in light of the voluminous nature of the administrative record, summary judgment memorandum, and concise statement of material facts. Additional time is necessary to research the complex legal issues raised by this matter and prepare a response.

As further grounds, the undersigned counsel for the Department has to devote a significant amount of time in the next month to other pending matters, including briefs due in two separate matters in the Massachusetts Appeals Court on April 19, 2006 and May 18, 2006 respectively.

Counsel for the plaintiff and counsel for defendants Timothy and Courtney Grafton, as parents and next of friend of M.G., have assented to this motion.

For the foregoing reasons, the Department respectfully requests that the Court enlarge the Department's time to respond to plaintiff's motion for summary judgment and supporting memorandum of law and concise statement on material facts, to and including May 22, 2006.

Respectfully submitted,

BUREAU OF SPECIAL EDUCATION
APPEALS of the MASSACHUSETTS
DEPARTMENT OF EDUCATION
and MASSACHUSETTS
DEPARTMENT OF EDUCATION,

By their attorney,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Julie B. Goldman
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Dated: April 20, 2006

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I certify that I have conferred with counsel for plaintiff and counsel for defendants Timothy and Courtney Grafton, as parents and next of friend of M.G., both of whom do not oppose the extension requested in this motion.

/s/ Julie B. Goldman
Julie B. Goldman
Assistant Attorney General

CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 20, 2006.

/s/ Julie B. Goldman
Julie B. Goldman
Assistant Attorney General